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JUAN JUAN HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON CT 06484-6212

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AUG 12 2008

In re Application of

Esko Alanen et al.

Application No. 10/670,144

ON PETITION

Filed: September 23, 2003

Attorney Docket No. 881B.0006.U1

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 28, 2008, to revive the above-identified application.

## The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 17, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). A two (2) month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is September 18, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of \$405.00, and the submission required by 37 CFR 1.114; (2) the petition fee of \$770.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to JoAnne Burke at (571) 272-4584.

This application is being referred to Technology Center AU 3736 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Irvin Dingle

Petitions Examiner Office of Petitions

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	Application No: DI (0/10) / LLU Date: 8/5/08	
	7/7/	
	CHECKLIST - PETITION TO REVIVE (UNINTENTIONAL) 37 CFR 1.137(b)	
	Petition under 37 CFR 1.137(b) requires:	
	1. Petition fee;	
	2. Reply and/or issue fee;	
	3. Terminal disclaimer with disclaimer fee - utility and plant filed before 6/8/95 and all design cases;	
	4. Statement that the entire delay was unintentional.	
	100/50	
	Petition Date:	
	\ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	
	Petition Fee: (1/5770/SM ( ) \$1540/LG ( ) Not Paid	
	Is statement of unintentional delay present? ( )YES ( )NO (Can statement be construed as	
	unintentional?)	
	Is petition signed by attorney of record? V)YES ( )NO Petition address the same	
	as address in palm. (1)YES ( )NO,	
	1/10/2014	•
	Mail Date of Office Action:	
	Type of Office Action: FWO COTICE	
		Ì
	Statutory Response Period Set: ( ) 30 days ( ) 1 month ( ) 2 months 🗸 3 months	
	Ext of time obtained w/in SSP: ( )None ( )1 month ( )2 months ( )3 months ( )4 months	
	Land is a second of the second	
	Abandonment Date: 10 000 J	
	Type of reply received:	
	Type of Teply Teceiveu.	
	Terminal Disclaimer required: ( )YES ( ))NO (utility applications filed after 6/8/95 or before	
	5/29/00 and all design applications)	
	Petition Decision Codes	
	502	_
	502 - 37 CFR 1.137(b) Revival based on unintentional delay in abandon application  510 - 37 CFR 1.137(b) Revival to accept late payment of issue fee (unintentional)	
		ı
	Fee Codes	<b>.</b>
	1453/2453 \$1540/\$770 502/510 Petitions	
		1
	Paralegal ()Dismissed (VGranted	
	MG:0407	; ;

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Revenue Accounting and Management

Name/Number: 10670144

Total Records Found: 7

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Fee Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
01/29/2008	00000009	<u>1</u>	<u>2453</u>	\$770.00	01/28/2008	CK
01/29/2008	0000010	<u>1</u>	<u>2801</u>	\$405.00	01/28/2008	CK
09/20/2007	00000139	<u>1</u> .	<u>2252</u>	\$225.00	09/20/2007	CK
01/25/2007	00000008	<u>1</u>	<u>2251</u>	\$60.00	01/25/2007	CK
05/20/2004	0000001	<u>1</u>	<u>2051</u>	\$65.00	05/19/2004	CK
05/20/2004	00000031	<u>1</u>	<u>8021</u>	\$40.00	05/19/2004	CK
10/01/2003	00000065	<u>1</u>	<u>2001</u>	\$375.00	09/23/2003	CK

## Correspondence Address for 10/670144

Customer Number	Contact Information	Address	
29683 Delivery Mode: <u>Paper</u>	Telephone: (203).92-5.94 Fax: (203).94-4.02 E-Mail: <u>PATENT@HSPATENT.COM</u>	HARRINGTON & SMITH, PC 4 RESEARCH DRIVE SHELTON CT 06484-6212	
Appla Info Contents	Petition linto Atty/Agent Into	Continuity/Reexam Foreign	
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PCT /	/ Search Search	G PUBS #	
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JAN 28 2008

PTO/SB/64 (01-08)

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## PEDITION FOR REVIVAL OF AN APPLICATION FOR PATENT

Docket Number (Optional)

ABANDONE	D UNINTENTIONALLY UNDE	R 37 CFR 1.137(b)	881B.0006.U1(US)
First named inv	entor; Alanen et al.		
Application No.	10/670,144	Art Unit: 3736	
Filed: 9/23/2003	•	Examiner: Nguyen,	Huong Q.
Title: Method for N	Aeasuring of Edema		
Attention: Offic Mail Stop Peti Commissioner P.O. Box 1450 Alexandria, VA FAX (571) 273	tion for Patents 22313-1450		
l '.	OTE: If information or assistance is no Information at (571) 272-3282.	eeded in completing this form, pla	ease contact Petitions
action by the U	ntified application became abandone inited States Patent and Trademark O od set for reply in the office notice or a	ffice. The date of abandonment	is the day after the expiration
	APPLICANT HEREBY PETITION	S FOR REVIVAL OF THIS APPI	LICATION
N(	OTE: A grantable petition requires the (1) Petition fee; (2) Reply and/or issue fee; (3) Terminal disclaimer with disc filed before June 8, 1995; an (4) Statement that the entire del	laimer fee - required for all utility d for all design applications; and	v and plant applications
1.Petition fee	ntity-fee \$ <u>770.00</u> (37 CFR 1.17(m)	). Applicant claims small entity s	status. See 37 CFR 1.27.
Other t	han small entity – fee \$	(37 CFR 1.17(m))	•
2. Reply and/o A. Ti th	r fee ne reply and/or fee to the above-noted ne form of <u>an Amendment in response to the</u>	Office action in Office Action mailed 4/17/07 (identif	y type of reply):
	has been filed previously on 9/17/ is enclosed herewith.	01/29/2008	CNEGA1 00000007 18670144
В. Т	he issue fee and publication fee (if ap has been paid previously on is enclosed herewith.	plicable) of \$81 FC:2453	770.88

[Page 1 of 2]
This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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3. Terminal disclaimer with disclaimer fee	• •
Since this utility/plant application was filed or	n or after June 8, 1995, no terminal disclaimer is required.
	CFR 1.20(d)) of \$ for a small entity or \$ required period of time is enclosed herewith (see
filing of a grantable petition under 37 CFR 1.137(I	ed reply from the due date for the required reply until the b) was unintentional. [NOTE: The United States Patent and ion if there is a question as to whether either the er 37 CFR 1.137(b) was unintentional (MPEP 711.03(c),
	VARNING:
contribute to identity theft. Personal information such numbers (other than a check or credit card authorization the USPTO to support a petition or an application. If this USPTO, petitioners/applicants should consider redacting to the USPTO. Petitioner/applicant is advised that the re of the application (unless a non-publication request in cor of a patent. Furthermore, the record from an abandone referenced in a published application or an issued patent	as social security numbers, bank account numbers, or credit card form PTO-2038 submitted for payment purposes) is never required by type of personal information is included in documents submitted to the such personal information from the documents before submitting them ecord of a patent application is available to the public after publication mpliance with 37 CFR 1.213(a) is made in the application) or issuance and application may also be available to the public if the application is (see 37 CFR 1.14). Checks and credit card authorization forms PTO-the application file and therefore are not publicly available.
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Signature	Date
Juan Juan	60,564
Typed or printed name	Registration Number, if applicable
Harrington & Smith, PC, 4 Research I	Drive 203-925-9400
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Address  Shelton, CT 06484-6212 Address  Enclosures: Fee Payment  Reply  Terminal Disclaimer Form  Additional sheets containing sta  Other: Request for Continued Examin  CERTIFICATE OF MAILIN  I hereby certify that this correspondence is beir  Deposited with the United States Pospostage as first class mail in an envery Patents, P. O. Box 1450, Alexandria,  Transmitted by facsimile on the date  Office at (571) 273-8300.  1/25/2008	Telephone Number  Internets establishing unintentional delay  INTERNETS INTERNET